

MINUTES

**THE REGULAR MEETING OF THE
BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
July 12, 2011**

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on July 12, 2011, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Garrett Anderson gave the invocation.

ROLL CALL

City Clerk Westfall called roll: Mayor Presley presiding, Rick Davis, Cris Bohinc, Rick Todd, Patrick Parnell and Mike Booth present. Absent: Bob Simmons.

Also present from the City were: City Administrator Dean Kruithof, City Attorney William Duston, City Clerk Lisa Westfall, Communications Director Jerry Adams, Information Technology Director D.J. Cline, Public Works Director and City Engineer David Miller, Parks and Recreation Director Cindy Shook, Utilities Director Mike Ray, Economic Development Director Garrett Anderson, Planning and Development Director Jim Lawson, Acting Chief of Police Steve Dalton, Finance and Personnel Director Lori Helle and Fire Chief Ted Martin.

EMPLOYEE OF THE MONTH

Alderman Davis presented Tim Glenn of the Utilities Department as the July Employee of the Month in recognition for his outstanding work ethic and continuous positive attitude on the job.

PUBLIC COMMENT

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

There were no speakers this evening.

CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda.

Alderman Davis requested Item Numbers 4, 5, 7 and 8 be removed from the Consent Agenda and placed as the first, second, third and fourth items on the Regular Agenda. Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda as amended. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

- a) June 23, 2011 Study Session
- a) June 25, 2011 Special Meeting
- a) June 28, 2011 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Capital Improvement Committee meeting of May 9, 2011
- b) Capital Improvement Committee meeting of June 13, 2011
- c) Budget and Finance meeting of May 26, 2011

SUBSTITUTE BILL NO. 3936

Ord. No. 2011-0060 Approving an amended lease agreement between Skaggs Regional Medical Center and the City of Branson.

Final reading of Substitute Bill No. 3936, an ordinance approving an amended lease agreement between Skaggs Regional Medical Center and the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0060 was duly enacted.

BILL NO. 3939

Ord. No. 2011-0063 Regarding state requirements for financial interest disclosure for municipal officials.

Final reading of Bill No. 3939, an ordinance regarding state requirements for financial interest disclosure for municipal officials was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0063 was duly enacted.

BILL NO. 3942

Ord. No. 2011-0065 Approving an Inter-Governmental Agreement between the City of Branson and the City of Hollister to install radio equipment on a City of Hollister water tower.

Final reading of Bill No. 3942, an ordinance approving an Inter-Governmental Agreement between the City of Branson and the City of Hollister to install radio equipment on a City of Hollister water tower and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0065 was duly enacted.

BILL NO. 3943
Ord. No. 2011-0066

Approving an agreement between the City of Branson and the Tanger Outlet Center of Branson to install radio equipment in and on the Tanger Outlet Center.

Final reading of Bill No. 3943, an ordinance approving an agreement between the City of Branson and the Tanger Outlet Center of Branson to install radio equipment in and on the Tanger Outlet Center and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0066 was duly enacted.

BILL NO. 3944
Ord. No. 2011-0067

Granting an access easement to Bootleg Real Estate, LLC.

Final reading of Bill No. 3944, an ordinance granting an access easement to Bootleg Real Estate, LLC was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0067 was duly enacted.

BILL NO. 3945
Ord. No. 2011-0068

Vacating an access easement and a drainage easement across property located in Black Oak Estates Subdivision.

Final reading of Bill No. 3945, an ordinance vacating an access easement and a drainage easement across property located in Black Oak Estates Subdivision was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0068 was duly enacted.

BILL NO. 3946
Ord. No. 2011-0069

Approving an agreement for professional engineering services between the City of Branson and RJN Group, Inc. for the wastewater collection system 2011 improvements.

Final reading of Bill No. 3946, an ordinance approving an agreement for professional engineering services between the City of Branson and RJN Group, Inc. for the wastewater collection system 2011 improvements and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0069 was duly enacted.

BILL NO. 3947
Ord. No. 2011-0070

Approving amendments to the City of Branson's Personnel Manual.

Final reading of Bill No. 3947, an ordinance approving amendments to the City of Branson's Personnel Manual was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0070 was duly enacted.

BILL NO. 3949
Ord. No. 2011-0071

Accepting the proposal of Centurylink pertaining to primary rate interfaces for the City of Branson.

Final reading of Bill No. 3949, an ordinance accepting the proposal of Centurylink pertaining to primary rate interfaces for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-0071 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderman Todd moved to approve, seconded by Alderman Parnell. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

REGULAR AGENDA

BILL NO. 3937
Ord. No. 2011-0061

Approving a financing agreement between the City of Branson, Missouri, and the Industrial Development Authority of the City of Branson, Missouri, for the purpose of providing funds to finance the costs of certain improvements.

Final reading of Bill No. 3937 an ordinance approving a financing agreement between the City of Branson, Missouri, and the Industrial Development Authority of the City of Branson, Missouri, for the purpose of providing funds to finance the costs of certain improvements; and authorizing and approving certain documents and other actions in connection therewith was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3937. Alderman Davis moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Bohinc, Todd and Parnell. Nays: none. Absent: Simmons. Abstain: Booth. Motion carried. Ordinance No. 2011-0061 was duly enacted.

BILL NO. 3938
Ord. No. 2011-0062

Approving an Energy Performance Contract between the City of Branson and Burns & McDonnell Engineering Company, Inc. for the provision of certain energy related engineering and construction services.

Final reading of Bill No. 3938 an ordinance approving an Energy Performance Contract between the City of Branson and Burns & McDonnell Engineering Company, Inc. for the provision of certain energy related engineering and construction services and authorizing the Mayor to enter into the agreement was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3938. Alderman Bohinc moved to approve, seconded by Alderman Todd. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Bohinc, Todd and Parnell. Nays: none. Absent: Simmons. Abstain: Booth. Motion carried. Ordinance No. 2011-0062 was duly enacted.

BILL NO. 3940
Ord. No. 2011-0064

Authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to Downtown Branson Main Street Association to be used for marketing for the Branson Fiddle Festival.

Final reading of Bill No. 3940 an ordinance authorizing the expenditure of funds from the City's Tourism Tax Contingency Fund to Downtown Branson Main Street Association to be used for marketing for the Branson Fiddle Festival and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3940. Alderman Davis moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Abstain: Bohinc. Motion carried. Ordinance No. 2011-0064 was duly enacted.

BILL NO. 3941
Postponed

Accepting the proposal of Southwest Communications Inc. for a voted receiver radio system upgrade.

Final reading of Bill No. 3941 an ordinance accepting the proposal of Southwest Communications Inc. for a voted receiver radio system upgrade and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Discussion. Alderman Bohinc moved to postpone the final reading of Bill No. 3941 to the July 26, 2011 Regular Board of Aldermen meeting, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this postponement. Hearing none, Mayor Presley asked for comments from the Board regarding this postponement. No discussion. Mayor Presley called for a vote on the postponement of Bill No. 3941. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

UPDATE BY LORI HELLE ON MONTHLY FINANCIAL REPORTS

City Administrator Kruithof provided the introduction and an update on monthly financial reports was made by Lori Helle. Mayor Presley asked if anyone in the audience had questions or comments. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

BILL NO. 3950

Amending Ordinance No. 689 of the Branson Municipal Code concerning wharf leases and maintaining a special account for expenditures.

First Reading of Bill No. 3950, an ordinance amending Ordinance No. 689 of the Branson Municipal Code concerning wharf leases and maintaining a special account for expenditures was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Lori Helle. Mayor Presley asked for a motion approving Bill No. 3950. Alderman Davis moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3951**Approving a contract to purchase the former Branson High School at 300 South 6th Street.**

First Reading of Bill No. 3951, an ordinance approving a contract to purchase the former Branson High School at 300 South 6th Street and authorizing the Mayor to execute all documents and other actions in connection with the purchase was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3951. Alderman Booth moved to approve, seconded by Alderman Todd. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Dr. Marcellus, School Board President, stated he feels this is a win-win situation for all parties involved and expressed appreciation for the good relationship between the City and the School Board. He added Dr. Hayter would like to thank Administrator Kruithof for working on this matter. Ronni Haston, 194 Siena Boulevard, Branson, Missouri, inquired if this building is occupied by Christian Action Ministries. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3952**Amending the adopted 2011 budget for the City of Branson, to adjust monies in various funds.**

First Reading of Bill No. 3952, an ordinance amending the adopted 2011 budget for the City of Branson, to adjust monies in various funds and authorizing the Mayor to execute the same was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Lori Helle. Mayor Presley asked for a motion approving Bill No. 3952. Alderman Davis moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Dan Lennon, Vice President of Marketing and Public Relations for the Branson Lakes Area Chamber of Commerce and CVB, stated the money is going to be carefully allocated after research and any plans to spend the money will be reviewed by the District Marketing Council. He added it is likely the majority of the money will be spent on media and thanked Lori Helle for audited numbers that make sense. Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3953**Authorizing approval by the City of Branson of an agreement of assignment and assumption between Roark Water & Sewer Company Inc., Ozarks Clean Water Company, Inc., and Missouri-American Water Company for sewer services of the Stonebridge Village Development.**

First Reading of Bill No. 3953, an ordinance authorizing approval by the City of Branson of an agreement of assignment and assumption between Roark Water & Sewer Company Inc., Ozarks Clean Water Company, Inc., and Missouri-American Water Company for sewer services of the Stonebridge Village Development was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Mike Ray. Mayor Presley asked for a motion approving Bill No. 3953. Alderman Todd moved to approve, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3954**Accepting the proposal of Viking-Cives Midwest, Inc. pertaining to the purchase of snow plows and a salt spreader for the City of Branson.**

First Reading of Bill No. 3954, an ordinance accepting the proposal of Viking-Cives Midwest, Inc. pertaining to the purchase of snow plows and a salt spreader for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Keith Francis. Mayor Presley asked for a motion approving Bill No. 3954. Alderman Bohinc moved to approve, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3955**Accepting the proposal of Friendly Ford, Inc. pertaining to the purchase of a vehicle for the City of Branson.**

First Reading of Bill No. 3955, an ordinance accepting the proposal of Friendly Ford, Inc. pertaining to the purchase of a vehicle for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Keith Francis. Mayor Presley asked for a motion approving Bill No. 3955. Alderman Todd moved to approve, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

BILL NO. 3956**Accepting the proposal of Pro Track & Tennis, Inc. pertaining to the Parks Department courts rehabilitation for the City of Branson.**

First Reading of Bill No. 3956, an ordinance accepting the proposal of Pro Track & Tennis, Inc. pertaining to the Parks Department courts rehabilitation for the City of Branson and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Cindy Shook. Mayor Presley asked for a motion approving Bill No. 3956. Alderman Bohinc moved to approve, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

APPOINTMENTS

Mayor Presley requested the following appointments be made:

Kristin Heffron, appointment to the Branson Hills Infrastructure Community Improvement District with a term expiring July 2015.

Ronni Haston, appointment to the Branson Hills Infrastructure Community Improvement District with a term expiring July 2015.

Mayor Presley asked for a motion approving the appointments. Alderman Todd moved to approve, seconded by Alderman Davis. Mayor Presley asked for comments. No discussion. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

DISBURSEMENTS

Mayor Presley stated the next item was review of disbursements for May 26, 2011, through June 16, 2011, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Presley asked for a motion acknowledging the receipt of disbursements from May 26, 2011, through June 16, 2011. Alderman Davis so moved, seconded by Alderman Booth. Voting aye: Davis, Bohinc, Todd, Parnell and Booth. Nays: none. Absent: Simmons. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Booth mentioned attending the Taney County Airport Board meeting and commented there have been a lot of people inquire about the financial standing of the Downtown Airport and he reported to date, the airport is turning an operating profit. Alderman Booth said he feels the Airport does a great job and the funds from the City are appreciated and added they are considering selling or donating an extra metal detector to the City for use by the court if the City is interested.

Alderman Davis reported the Hiawatha Heights Neighborhood residents will be raising money for street signs with the neighborhood logo on them.

Alderman Bohinc stated she found the presentation by Akers and Arney at the Personnel Committee meeting interesting and commented there was discussion on health care costs. She added health care costs are rising so the committee discussed employee controllable costs. Alderman Bohinc reminded everyone Thursday is Dick's 5 & 10's 50th Anniversary celebration.

Alderman Parnell mentioned attending the Taney County Planning and Zoning Commission meeting in which the proposed racetrack was discussed and he urged anyone interested in this topic to attend future meetings.

Administrator Kruithof asked Jim Lawson to provide a report regarding the flood buy-out program and stated the Planning Department has been working with citizens to find out how many property owners are interested in participating in the flood buy-out program. He mentioned the Planning Department sent letters to 13 property owners who meet the criteria to participate in the buy-out as established by the Board at the last study session. He added the criteria was that a property must be substantially damaged and a primary residence according to FEMA standards. Administrator Kruithof stated so far, 4 property owners have confirmed interest in the buy-out program with a total estimated value of \$1,154,000. He added, 2 property owners are unconfirmed; one of which is a HUD home and one is located on Canal Street and 3 property owners have stated in writing they are not interested in the buyout, as two are rebuilding and one is currently demolishing a structure. Administrator Kruithof stated 4 property owners are undecided of the buy-out at this point and he stated the City has requested citizens inform the Planning Department by this Friday if they are interested in the buy-out. He added people would still have the option to opt out even if they've told the City they would like to participate and he stated he hopes to have more information by the next study session. Administrator Kruithof said he attended the Capital Improvement Committee meeting yesterday and discussed the 2012 Capital Improvement program and mentioned the City will be going out to bid on the overlay project.

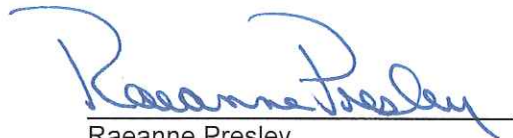
Mayor Presley discussed rescheduling some future Board of Aldermen meetings that have conflicts and stated the MML meeting will be in Branson next year. Mayor mentioned the Cantwell Neighborhood meeting is Thursday night and the Branson Chamber Legislative Committee meeting is Friday in Rockaway Beach. Mayor said she attended the Adapt Coalition this morning and mentioned Community Partnership of the Ozarks is looking at a federal grant for issues surrounding alcohol and drug abuse and added she is hopeful this will be obtained. She also mentioned representatives from Ernie Biggs discussed forming a Retailers Committee and mentioned there was discussion regarding smoke-free environments. Mayor Presley reported attending a meeting in Columbia and commented the Governor dissolved the Film Commission Office and added she feels this is unfortunate. Mayor stated a 4-H film festival will be held in Branson this August and the Salvation Army has new Majors. Mayor Presley invited everyone to the opening of India Clay Oven and Grill on Highway 76 tomorrow.

EXECUTIVE SESSION

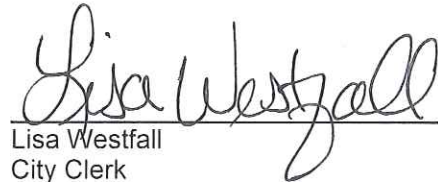
Mayor Presley entertained a motion to adjourn to a closed Executive Session. Alderman Davis moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.3 RSMo for personnel, seconded by Alderman Todd. Voting aye: Davis, Booth, Parnell, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Davis moved to adjourn, seconded by Alderman Booth. Voting aye: Davis, Bohinc, Parnell, Todd and Booth. Nays: none. Absent: Simmons. Motion carried. Meeting adjourned at 8:55 p.m.



Raeanne Presley
Mayor



Lisa Westfall
City Clerk